

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JAMES EARL COOPER, )  
                        )  
                        )  
Plaintiff,            )  
                        )  
                        )  
v.                     )                   1:13CV571  
                        )  
                        )  
LEON STANBACK,        )  
                        )  
                        )  
Defendant.            )

**ORDER**

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on April 15, 2015, was served on the parties in this action. Petitioner objected to the Recommendation.

The Court has appropriately reviewed the portions of the Magistrate Judge's Recommendation to which objection was made and has made a *de novo* determination which is in accord with the Magistrate Judge's Recommendation. The Court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Defendant's second motion to dismiss (ECF No. 17) be GRANTED, and Defendant's first motion to dismiss (ECF No. 16) be DISMISSED AS MOOT. A judgment dismissing this action will be entered contemporaneously with this Order.

This, the 15<sup>th</sup> day of May, 2015.

/s/ Loretta C. Biggs  
United States District Judge